

# **EXHIBIT 3**

## UNITED STATES DISTRICT COURT

for the

Northern District of California

## SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Stuart Yudofsky

**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: United States District Court  
450 Golden Gate Avenue  
San Francisco, CA 94102  
Grand Jury Room A - 17th Floor

Date and Time:

06/13/2019 9:00 am

This Grand Jury Subpoena is issued in furtherance of a Federal criminal investigation being conducted under the supervision of this office. This is to clarify that there is sufficient reason to believe that notification of this subpoena and your compliance therewith, or disclosure of the information provided thereunder, could seriously impede and thwart this important investigation. Therefore, you are requested to withhold disclosure/notification for an indefinite period of time.

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Contact Agent:  
IRS-Criminal Investigation  
Attn: Ryan D. Rickey, Special Agent  
1999 Broadway Street, 27th Floor  
Denver, CO 80202  
Tel. (303) 603-4951; Cell (702) 289-6587

Date: 05/03/2019



CLERK OF COURT

*Susan Y. Soong*  
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

This subpoena is issued on application of the United States of America

DAVID L. ANDERSON  
United States Attorney

MICHAEL PITMAN, AUSA  
U.S. Attorney's Office  
150 Almaden Blvd., Ste #900  
San Jose, California 95113  
Telephone: (408) 535-5040

U.S. DEPARTMENT OF JUSTICE

INSTRUCTIONS FOR FACT WITNESSES APPEARING ON  
BEHALF OF THE UNITED STATES GOVERNMENT  
(Not Applicable to Federal Employees)

San Francisco

READ THE INFORMATION CONTAINED ON THIS FORM BEFORE YOUR COURT APPEARANCE. PLEASE CALL THE INDIVIDUAL(S) LISTED BELOW FOR INFORMATION REGARDING TRAVEL ARRANGEMENTS AND SPECIFIC ENTITLEMENTS. IF YOU HAVE A MEDICAL CONDITION OR FAMILY SITUATION THAT REQUIRES SPECIAL CONSIDERATION, PLEASE ADVISE THE INDIVIDUAL LISTED BELOW AS SOON AS POSSIBLE.

CONTACT PERSON(S): Ian Meader, Fact-Witness Assistant  
Maureen French, Victim/Witness Supervisor

TELEPHONE NUMBER: (415) 436-7144  
(415) 436-6834

- VERIFY YOUR ATTENDANCE -

The date on the subpoena reflects the first day of the trial or hearing, it may not be the specific date you are required to testify. Call the above number(s) TWO WEEKS before the trial or hearing date to verify that your attendance is required. This may prevent a wasted trip in the event the trial or hearing date is continued or vacated.

- APPEARANCE IN ANOTHER CITY -

If you are required to travel to another city to appear in court, contact the individual listed above TWO WEEKS prior to the date on the subpoena and request instructions. Any amount advanced to you will be deducted from your fees and allowances.

- REIMBURSEMENT OF EXPENSES AND ATTENDANCE FEES -

- A. **ATTENDANCE FEE:** You will be paid a fee of \$40 per day, including travel days.
- B. **TRANSPORTATION:** Call the individual listed above to obtain information on transportation. Reimbursement will be made for travel by the least expensive method reasonably available to you. The following rules apply to transportation expenses:
1. **Local Travel:** The recommended method of travel in the local area of court is transit bus/subway.
  2. **Privately Owned Vehicles (POV):** You will be reimbursed the following amounts:  
Motorcycle \$ .505 per mile    Automobile \$ .545 per mile    Airplane \$1.15 per mile  
  
In addition to the above mileage allowance, necessary tolls, parking and other fees may be reimbursed. You must keep a record of your odometer readings if you travel by motorcycle or automobile. If two or more witnesses travel in the same vehicle, only one reimbursement for mileage can be made.  
  
**IF POV EXPENSES, INCLUDING MILEAGE, TOLLS, PARKING AND OTHER ASSOCIATED COSTS, ARE GREATER THAN THE GOVERNMENT AIRFARE, YOU WILL BE RESPONSIBLE FOR THE DIFFERENCE.**
  3. **Common Carrier:** If you are located outside the local court area, **CALL THE INDIVIDUAL LISTED ABOVE FOR INSTRUCTIONS.** Train, bus or airfare will be reimbursed at the Government rate. Reimbursement **WILL NOT** be made for First Class accommodations, "Frequent Flyer" tickets, or charter service. **DO NOT** purchase non-refundable tickets. If your appearance date changes or is cancelled, you **WILL NOT** be reimbursed for non-refundable tickets. If you have any questions concerning transportation arrangements, please contact the individual(s) listed above.
- C. **MEALS:** If it is necessary for you to remain away from home overnight, you will receive the following daily meal allowances:  
\$37.00 for each travel day    PLUS    \$74.00 for each FULL DAY away from home.
- D. **LODGING:** If it is necessary for you to remain away from home overnight, you will be reimbursed for the **ACTUAL COST** of your hotel/motel room, which may be not exceed \$276.00 per night, including tax.

- INSTRUCTIONS FOR REIMBURSEMENT OF EXPENSES -

After you are released from your subpoena, please provide a **signed letter with a copy of your valid photo ID** requesting reimbursement. Include your address, telephone number, email and Social Security Number OR Alien Registration Number. You must specify the date(s) you attended a meeting with the government and or the date you appeared in court. Provide a list of your expenses including mileage, toll and parking. Please do not include meal expenses. Mail your claim and receipts to: U.S. Attorney's Office - NDCA 450 Golden Gate Avenue Fl. 11 San Francisco, CA 94102 Attn: Ian Meader. You may also email your claim to Ian.Meader@usdoj.gov. Your claim will be submitted to the U.S. Marshals Service for payment. The U.S. Marshals Service will process the voucher and mail the payment to you.



**DECLARATION OF CUSTODIAN OF RECORDS**

Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby declare:

My name is \_\_\_\_\_  
(name of declarant)

I am in receipt of a United States District Court Grand Jury Subpoena for the Northern District of California, signed by Assistant U.S. Attorney **MICHAEL PITMAN**, Requesting specified records of the business named below. Attached hereto are records responsive to the subpoena. Pursuant to Federal Rule of Evidence 902(11) and Federal Rule of Evidence 803(6), I hereby certify that the records attached hereto:

- (1) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
- (2) were made by the regularly conducted business activity as a regular practice

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_

\_\_\_\_\_  
(signature of declarant)

\_\_\_\_\_  
(name of declarant)

\_\_\_\_\_  
(name of business/firm)

\_\_\_\_\_  
(business address)

**PROOF OF SERVICE**

This subpoena for *(name of individual or organization)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: